



UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America

v.

MANNY ALVAREZ

Date of Original Judgment: 04/20/2010

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 09-CR-386(DAB)

USM No: 62245-054

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(Complete Parts I and II of Page 2 when motion is granted)

Defendant Alvarez seeks relief pursuant to 18 U.S.C. §3582(c)(2), arguing that Amendment 787 to the Sentencing Guidelines applies to him. As discussed in this Court's Memorandum and Order dated April 17, 2015, the Government argues, and the Court agrees, that Defendant is not entitled to a sentence reduction because the Amendment is not retroactive. The Court declines to analyze whether the Amendment, if retroactive, would apply to Defendant.

Except as otherwise provided, all provisions of the judgment dated 04/20/2010 shall remain in effect.

IT IS SO ORDERED.

Order Date: 04/17/2015

Deborah A. Batts

Judge's signature

Effective Date: 11/01/2015
(if different from order date)

Deborah A. Batts, U.S. District Judge

Printed name and title